

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Darrell L. Goss,

Plaintiff,

vs.

Shontate Morley, Doe 1 (a.k.a Ms. Chi),
and Doe 2,

Defendants.

Civil Action No.: 2:19-2469-BHH

ORDER AND OPINION

Plaintiff Darrell L. Goss ("Plaintiff") is an inmate at Leiber Correctional Institution ("Lieber") in Ridgeville, South Carolina. On December 11, 2019, Plaintiff filed a motion for injunctive relief. (ECF No. 25.) In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Mary Gordon Baker for pretrial handling. On January 3, 2019, Magistrate Judge Baker issued a Report and Recommendation recommending that the Court deny Plaintiff's motion for injunctive relief, which requests a court order requiring Defendants to provide him adequate legal supplies and photocopies of his legal papers for his federal cases. (ECF No. 31.) The Magistrate Judge concluded that this issue is now moot because the supply limitations restriction which Plaintiff complains of has been rescinded. (*See id.* at 3.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with

instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. On January 3, 2020, Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 31 at 5.) However, he has not done so. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference. Plaintiff’s motion for injunctive relief (ECF No. 25) is DENIED as moot.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

January 31, 2020
Charleston, South Carolina